

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
CINCINNATI DIVISION**

THE KROGER CO.,

*Plaintiff,*

v.

THE FEDERAL TRADE COMMISSION, *et al.*,

*Defendants.*

No. 1:24-cv-00438-DRC  
Hon. Douglas R. Cole

**DEFENDANTS' CONSENT MOTION FOR AN  
EXTENSION OF TIME TO RESPOND TO COMPLAINT**

Defendants respectfully move for an extension of time to file an answer or otherwise respond to Plaintiff The Kroger Company's ("Kroger") complaint, ECF No. 1, until thirty days after this Court resolves Kroger's preliminary-injunction motion, ECF No. 3. Kroger consents to the relief requested herein. As good cause for this request, Defendants offer the following.

1. Kroger filed this suit on August 19, 2024, ECF No. 1, and served the Columbus office of the U.S. Attorney's Office for the Southern District of Ohio on August 26, 2024. Pursuant to Federal Rule of Civil Procedure 12(a)(2), Defendants' deadline to answer the complaint is currently October 25, 2024.
2. Kroger moved for a preliminary injunction on August 19, 2024, ECF No. 3. Defendants responded to that motion on September 16, 2024, ECF No. 15, and Kroger filed a reply on September 23, 2024, ECF No. 18.
3. In light of Kroger's pending preliminary-injunction motion, Defendants respectfully request that the Court extend their deadline to respond to Kroger's complaint until thirty day after the Court resolves that motion. *See* Fed. R. Civ. P. 6(b)(1)(A) (a "court may, for

good cause, extend the time” that the answer is due). This Court’s resolution of the preliminary-injunction motion could bear directly upon issues raised in any forthcoming motion to dismiss. The relief requested herein could thus conserve judicial and party resources.

4. Counsel for Defendants conferred with counsel for Kroger on October 17, 2024, who represented that Kroger consents to the relief requested herein.

Accordingly, Defendants respectfully request that the Court extend Defendants’ time to answer or otherwise respond to Kroger’s complaint until thirty days after this Court resolves Kroger’s preliminary-injunction motion

Dated: October 18, 2024

Respectfully submitted,

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